

# HOUSE BILL No. 4069

January 28, 1997, Introduced by Rep. Voorhees and referred to the Committee on Local Government.

A bill to amend 1989 PA 292, entitled "Metropolitan council act," by amending sections 5, 7, 9, 11, 13, 19, 21, 27, and 33 (MCL 124.655, 124.657, 124.659, 124.661, 124.663, 124.669, 124.671, 124.677, and 124.683) and by adding section 32.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) A combination of 2 or more local governmental  
2 units in a metropolitan area may ~~form~~ INCORPORATE a metropoli-  
3 tan council by adopting articles of incorporation pursuant to the  
4 requirements of sections 7 and 9.

5       (2) A council is a public corporate body with power to sue  
6 and be sued in any court of the state.

7       (3) A council is an authority under section 6 of article IX  
8 of the state constitution of 1963.

1 ~~(4) A council possesses all the powers necessary for~~  
2 ~~carrying out the purposes of its formation. The enumeration of~~  
3 ~~specific powers in this act shall not be construed as a limita-~~  
4 ~~tion on the general powers of a council, consistent with its~~  
5 ~~articles.~~

6 Sec. 7. (1) A council's articles shall ~~state the~~ PROVIDE  
7 FOR ALL OF THE FOLLOWING:

8 (A) THE name of the council. ~~; the~~

9 (B) THE names of the participating local governmental  
10 units. ~~; the~~

11 (C) THE purposes for which the council is formed. ~~; the~~

12 (D) THE powers, duties, and limitations of the council and  
13 its officers. ~~; the~~

14 (E) THE qualifications, TERMS OF OFFICE, AND, SUBJECT TO  
15 SECTION 32, method of selection ~~and terms of office~~ of dele-  
16 gates ~~sitting~~ OF PARTICIPATING LOCAL GOVERNMENTAL UNITS SERVING  
17 on the council. ~~and~~ EACH PARTICIPATING LOCAL GOVERNMENTAL UNIT  
18 IS ENTITLED TO AT LEAST 1 COUNCIL DELEGATE. IF THE ARTICLES PRO-  
19 VIDE FOR THE ELECTION OF COUNCIL DELEGATES, THE ARTICLES SHALL  
20 PROVIDE THAT DELEGATES OF A PARTICIPATING LOCAL GOVERNMENTAL UNIT  
21 SHALL BE ELECTED IN NONPARTISAN, AT-LARGE ELECTIONS IN THAT PAR-  
22 TICIPATING LOCAL GOVERNMENTAL UNIT.

23 (F) THE QUALIFICATIONS, METHOD OF SELECTION, AND TERMS OF  
24 OFFICE of council officers. ~~; the~~

25 (G) THE manner in which participating local governmental  
26 units shall take part in the governance of the council. ~~; the~~

1 (H) THE general method of amending the articles. ~~the~~

2 (I) THE method of amending the articles to reflect the  
3 addition of a governmental unit, which shall require the adoption  
4 of a resolution by a vote of not less than 2/3 of the delegates  
5 serving on the council. ~~and any~~

6 (J) ANY other matters that the participating local govern-  
7 mental units consider advisable.

8 (2) The articles may require each participating local gov-  
9 ernmental unit to annually pay to the council an amount ~~not to~~  
10 ~~exceed 0.2 mills multiplied by the state equalized valuation of~~  
11 ~~all the taxable real and personal property within~~ DETERMINED BY  
12 A FORMULA BASED ON THE POPULATION OF that local governmental  
13 unit. THE ARTICLES MAY PROVIDE DIFFERENT FORMULAE FOR DETERMIN-  
14 ING THE AMOUNT TO BE PAID BY DIFFERENT CLASSES OF LOCAL GOVERN-  
15 MENTAL UNITS.

16 (3) The articles may authorize the council to levy on all  
17 the taxable real and personal property within the council area an  
18 ad valorem tax of not to exceed 0.5 mills of the ~~state equalized~~  
19 ~~valuation on each dollar of assessed valuation of taxable~~  
20 ~~property~~ TAXABLE VALUE AS DETERMINED UNDER SECTION 27A OF THE  
21 GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.27A. The levy of  
22 a tax under this subsection is subject to the requirements of  
23 sections 25 and ~~27~~ 33.

24 Sec. 9. (1) The articles of a council shall be adopted,  
25 and, EXCEPT AS PROVIDED UNDER SECTION 7(1)(I), may be amended by  
26 an affirmative vote of a majority of the members elected to and

1 serving on the legislative body of each participating local  
2 governmental unit.

3 (2) Before the articles or amendments TO THE ARTICLES are  
4 ~~adopted~~ VOTED UPON by ~~any~~ THE LEGISLATIVE BODY OF A partici-  
5 pating local governmental unit, the articles or amendments OR A  
6 SUMMARY OF THE ARTICLES OR AMENDMENTS shall be published by the  
7 clerk of the largest participating local governmental unit at  
8 least once in a newspaper OR NEWSPAPERS generally circulated  
9 within the participating cities, villages, and townships.

10 (3) The adoption of articles or amendments by the legisla-  
11 tive body of a local governmental unit shall be evidenced by an  
12 endorsement on the articles or amendments by the clerk of the  
13 local governmental unit in a form substantially as follows:

14 "These articles of incorporation (or amendments OR AMENDED  
15 ARTICLES) were adopted by an affirmative vote of a majority of  
16 the members serving on the legislative body of (NAME OF LOCAL  
17 GOVERNMENTAL UNIT) ~~—~~, at a meeting duly held on the \_\_\_\_\_ day  
18 of \_\_\_\_\_, ~~A.D.,~~ \_\_\_\_."

19 (4) ~~Upon~~ AFTER adoption of the articles or amendments, a  
20 printed copy of the articles or the amended articles shall be  
21 filed ~~by the clerk of the largest participating local governmen-~~  
22 ~~tal unit~~ with ~~the secretary of state,~~ the clerk of each county  
23 in which is located all or part of a participating city, village,  
24 or township, ~~and~~ the clerk of each participating ~~city, vil-~~  
25 ~~lage, or township~~ LOCAL GOVERNMENTAL UNIT, AND THE SECRETARY OF  
26 STATE. THE ARTICLES OR AMENDED ARTICLES SHALL BE FILED BY THE  
27 CLERK OF THE LARGEST PARTICIPATING LOCAL GOVERNMENTAL UNIT.

1 HOWEVER, IF THE AMENDMENTS ADD A LOCAL GOVERNMENTAL UNIT TO THE  
2 COUNCIL, THE AMENDED ARTICLES SHALL BE FILED BY THE CLERK OF THAT  
3 LOCAL GOVERNMENTAL UNIT. THE COUNCIL IS INCORPORATED OR AMEND-  
4 MENTS ARE EFFECTIVE UPON THE FILING OF THE ARTICLES OR AMENDED  
5 ARTICLES WITH THE SECRETARY OF STATE.

6 Sec. 11. (1) A local governmental unit may be added to the  
7 council after the council's incorporation upon satisfaction of  
8 ~~all~~ BOTH of the following requirements:

9 (a) A majority of the members elected to and serving on the  
10 legislative body of the local governmental unit vote to adopt a  
11 resolution stating that the local governmental unit desires to be  
12 added to the council and that it accepts the requirements of the  
13 articles as amended to reflect the addition of the local govern-  
14 mental unit.

15 (b) If there is a tax levied by the council ~~pursuant to~~  
16 ~~section 7~~ and the local governmental unit is a city, village, or  
17 township, the tax is authorized by a majority of the electors of  
18 that city, village, or township voting on the proposal.

19 ~~(c) The articles are amended to reflect the addition of the~~  
20 ~~local governmental unit.~~

21 (2) ~~Upon~~ AFTER addition of a local governmental unit to a  
22 council, THE CLERK OF THE LOCAL GOVERNMENTAL UNIT SHALL FILE a  
23 printed copy of the amended articles ~~shall be filed~~ as required  
24 by section 9. ~~by the clerk of the local governmental unit added~~  
25 ~~to the council.~~

26 Sec. 13. (1) ~~Upon~~ IF A petition SIGNED by not less than  
27 5% of the registered electors residing in a nonparticipating

1 local governmental unit requesting a referendum on the question  
 2 of becoming a participating local governmental unit IS FILED WITH  
 3 THE CLERK OF THE LOCAL GOVERNMENTAL UNIT, the clerk, ~~of the~~  
 4 ~~local governmental unit,~~ upon verifying the required number of  
 5 signatures on the petitions, shall submit the question of whether  
 6 the local governmental unit should become a participating local  
 7 governmental unit to the vote of the electors of the local gov-  
 8 ernmental unit at the next general election TO BE HELD NOT LESS  
 9 THAN 84 DAYS AFTER THE DATE ON WHICH THE PETITION WAS FILED or AT  
 10 A special election called for that purpose ~~,~~ and conducted ~~in~~  
 11 ~~accordance with~~ PURSUANT TO the Michigan election law, ~~Act~~  
 12 ~~No. 116 of the Public Acts of 1954, being sections 168.1 to~~  
 13 ~~168.992 of the Michigan Compiled Laws~~ 1954 PA 116, MCL 168.1 TO  
 14 168.992.

15 (2) The clerk of the ~~municipality~~ LOCAL GOVERNMENTAL UNIT  
 16 shall prepare the question for the ballot to be used at the elec-  
 17 tion, subject to the ~~election laws of the state~~ MICHIGAN ELEC-  
 18 TION LAW, 1954 PA 116, MCL 168.1 TO 168.992, substantially as  
 19 follows:

20 "Should the \_\_\_\_\_ of \_\_\_\_\_ become part of a metro-  
 21 politan council?

22 Yes ( )

23 No ( )".

24 (3) If a majority of the electors voting on the question  
 25 vote "yes", the local governmental unit shall proceed to become a  
 26 participating local governmental unit in the manner provided in  
 27 section 9 OR 11 AS APPLICABLE. IF A MAJORITY OF THE ELECTORS

1 VOTING ON THE QUESTION VOTE "NO", THE LOCAL GOVERNMENTAL UNIT  
2 SHALL NOT BECOME A PARTICIPATING LOCAL GOVERNMENTAL UNIT IN ANY  
3 METROPOLITAN COUNCIL.

4 (4) IF A PETITION IS FILED WITH THE CLERK OF A LOCAL GOVERN-  
5 MENTAL UNIT UNDER SUBSECTION (1), THE LEGISLATIVE BODY OF THE  
6 LOCAL GOVERNMENTAL UNIT SHALL NOT VOTE ON THE QUESTION OF BECOM-  
7 ING A PARTICIPATING LOCAL GOVERNMENTAL UNIT BEFORE THE CLERK  
8 DETERMINES THAT THE REQUIRED NUMBER OF SIGNATURES CANNOT BE VERI-  
9 FIED OR, IF THE REQUIRED NUMBER OF SIGNATURES IS VERIFIED, BEFORE  
10 A VOTE OF THE ELECTORS IS HELD.

11 Sec. 19. (1) The articles may authorize a council to pro-  
12 pose PLANS, standards, criteria, and suggested model ordinances  
13 to regulate the use and development of land and water within the  
14 council area.

15 (2) To the extent authorized in the articles, a council may  
16 plan; ~~—~~ promote; AND, IF THE COUNCIL DELEGATES ARE ELECTED OR  
17 THE LEVY OF A TAX BY THE COUNCIL IS APPROVED BY THE ELECTORS PUR-  
18 SUANT TO SECTION 25, finance, issue bonds for, acquire, improve,  
19 enlarge, extend, own, construct, replace, or contract for public  
20 improvements and services including, but not limited to, the  
21 following:

22 (a) Water and sewer public improvements and services.

23 (b) Solid waste collection, recycling, and disposal.

24 (c) Parks, museums, zoos, wildlife sanctuaries, and recrea-  
25 tional facilities.

26 (d) Special use facilities.

1 (e) Ground and air transportation and facilities, including  
2 airports.

3 (f) Economic development and planning for the council area.

4 ~~(g) Higher education public improvements and services.~~

5 ~~(3) A council shall not contract for the operation by~~  
6 ~~another person of a public improvement or service acquired by the~~  
7 ~~council pursuant to subsection (2).~~

8 (3) ~~(4)~~ A council may establish divisions, bureaus, and  
9 committees, including advisory committees. Members of advisory  
10 committees shall serve without compensation but may be reimbursed  
11 for their reasonable expenses as determined by the council.

12 (4) ~~(5)~~ A council in cooperation with other agencies and  
13 departments of the state and the state universities may develop a  
14 center for data collection and storage to be used by the council  
15 and other governmental users and may furnish information on  
16 subjects such as population, land use, and governmental  
17 finances.

18 (5) ~~(6)~~ A council may study the feasibility of ~~programs~~  
19 ~~relating but not limited to~~ water supply, refuse disposal, sur-  
20 face water drainage, communication, transportation, and other  
21 PROGRAMS ADDRESSING subjects of concern to the participating  
22 local governmental units. ~~and~~ A COUNCIL may ~~institute~~ CONDUCT  
23 A demonstration ~~projects~~ PROJECT in connection with ~~the~~  
24 ~~studies~~ A STUDY. THE COUNCIL AND A PARTICIPATING LOCAL GOVERN-  
25 MENTAL UNIT MAY CONTRACT FOR THE PARTICIPATING LOCAL GOVERNMENTAL  
26 UNIT TO CONDUCT A DEMONSTRATION PROJECT IN CONNECTION WITH A  
27 STUDY.

1           Sec. 21. (1) A council may do 1 or more of the following:

2           (a) Adopt bylaws for the administration of the council.

3           (b) Acquire ~~and hold,~~ by purchase, lease, grant, gift,  
4 devise, land contract, installment purchase contract, bequest,  
5 ~~condemnation,~~ or other legal means, real and personal property  
6 within or without the ~~participating cities, villages, and~~  
7 ~~townships~~ COUNCIL AREA. IF THE LEVY OF A TAX BY THE COUNCIL IS  
8 APPROVED BY THE ELECTORS PURSUANT TO SECTION 25, THE COUNCIL MAY  
9 ACQUIRE BY CONDEMNATION REAL OR PERSONAL PROPERTY WITHIN THE  
10 COUNCIL AREA. The property ACQUIRED may include franchises, ease-  
11 ments, or rights of way on, under, or above any property. The  
12 council may pay for the property from, or pledge for the payment  
13 of the property, revenue of the council. A council shall not  
14 condemn public property.

15           (c) Apply for and accept grants, loans, or contributions  
16 from the federal government or any of its agencies, this state,  
17 or other public or private agencies to be used for any of the  
18 purposes of this act.

19           (d) Sell or lease property acquired ~~for the purposes of~~  
20 ~~this act~~ but not needed for ~~those purposes~~ THE ADMINISTRATION  
21 OF THE COUNCIL.

22           (e) Contract with a participating local governmental unit  
23 for the provision of a service listed in section 19(2) in the  
24 participating local governmental unit for a period not exceeding  
25 30 years. The service may be established or funded in conjunc-  
26 tion with a service of a local governmental unit, and the  
27 provision of a service of a local governmental unit may be

1 delegated to a council. A charge specified in a contract is  
2 subject to increase by the council, if necessary to provide funds  
3 to meet its obligations. A council may also enter into a con-  
4 tract with a nonparticipating local governmental unit for a  
5 period not exceeding 30 years, except that a charge for a service  
6 under a contract with a nonparticipating local governmental unit  
7 may be greater than a charge to a participating local governmen-  
8 tal unit, and is subject to change from time to time without  
9 notice. ~~A council's powers under this subdivision are subject~~  
10 ~~to section 19(3).~~ A COUNCIL MAY ENTER A CONTRACT UNDER THIS SUB-  
11 DIVISION ONLY AFTER THE LEVY OF A TAX BY THE COUNCIL IS APPROVED  
12 BY THE ELECTORS PURSUANT TO SECTION 25.

13 (f) Hire employees, attorneys, accountants, and  
14 consultants.

15 (2) A council shall do all of the following:

16 (a) Prepare budgets and appropriations acts in the manner  
17 required of local units under the uniform budgeting and account-  
18 ing act, ~~Act No. 2 of the Public Acts of 1968, being sections~~  
19 ~~141.421 to 141.440a of the Michigan Compiled Laws~~ 1968 PA 2, MCL  
20 141.121 TO 141.440A.

21 (b) If ending a fiscal year with a deficit, file a financial  
22 plan to correct the deficit in the same manner as provided in  
23 section 21 of ~~Act No. 140 of the Public Acts of 1971, being sec-~~  
24 ~~tion 141.921 of the Michigan Compiled Laws~~ THE STATE REVENUE  
25 SHARING ACT OF 1971, 1971 PA 140, MCL 141.921.

26 Sec. 27. (1) A proposal ~~for a tax authorized to be levied~~  
27 ~~by a council under section 7~~ TO AUTHORIZE THE COUNCIL TO LEVY A

1 TAX THAT IS PERMITTED BY THE ARTICLES shall not be placed on the  
2 ballot unless the proposal is adopted by a resolution of the  
3 council and certified by the council not later than 70 days  
4 before the election to the county clerk of each county in which  
5 all or part of a participating city, village, or township is  
6 located for inclusion on the ballot. The proposal shall state  
7 the amount OF THE MILLAGE and THE duration of the millage, ~~and~~  
8 WHICH SHALL NOT BE MORE THAN 10 YEARS. THE PROPOSAL shall be  
9 certified for inclusion on the ballot at the next general elec-  
10 tion, the state primary immediately preceding the general elec-  
11 tion, or a special election at a proposed date not within 45 days  
12 of a state primary or a general election, as specified by the  
13 council's resolution. A proposed special election date shall be  
14 approved by the county election scheduling committee of the larg-  
15 est county in the manner required by section 639 of the Michigan  
16 election law, ~~Act No. 116 of the Public Acts of 1954, being sec-~~  
17 ~~tion 168.639 of the Michigan Compiled Laws~~ 1954 PA 116, MCL  
18 168.639.

19 (2) The county election commission shall provide ballots for  
20 an election for a tax proposal for each participating city, vil-  
21 lage, or township or part of a participating city, village, or  
22 township located within the county.

23 (3) Except as otherwise provided in subsections (4) and (5),  
24 an election for a tax shall be conducted by the city and township  
25 clerks and election officials of the participating cities and  
26 townships.

1 (4) If an election on a proposal for a tax is to be held in  
2 conjunction with a general election or state primary election and  
3 if a participating village is located within a nonparticipating  
4 township, the township clerk and election officials shall conduct  
5 the election. On the forty-fifth day preceding the election, the  
6 village clerk or other official maintaining a file of qualified  
7 and registered electors of the village shall provide to the town-  
8 ship clerk a list containing the name, address, and birth date of  
9 each qualified and registered elector of the village. By the  
10 fifteenth day preceding the election, the village clerk or other  
11 official providing the list shall provide to the township clerk  
12 information updating the list as of the close of registration.  
13 Persons appearing on the list as updated are eligible to vote in  
14 the election by special ballot.

15 (5) If a tax is to be voted on at a special election not  
16 held in conjunction with a general election or state primary  
17 election and if a participating village is located within a non-  
18 participating township, the village clerk and election officials  
19 shall conduct the election.

20 SEC. 32. (1) IF, PURSUANT TO SECTION 7(3), THE ARTICLES  
21 AUTHORIZE A COUNCIL TO LEVY A TAX, AND, PURSUANT TO SECTION 25,  
22 THE LEVY OF THE TAX IS APPROVED BY THE ELECTORS RESIDING IN THE  
23 COUNCIL AREA VOTING COLLECTIVELY ON THE QUESTION, THE ELECTORS OF  
24 EACH PARTICIPATING LOCAL GOVERNMENTAL UNIT, VOTING SEPARATELY,  
25 SHALL, BY PLURALITY VOTE, ADOPT A METHOD OF SELECTING COUNCIL  
26 DELEGATES FOR THAT PARTICIPATING LOCAL GOVERNMENTAL UNIT. THE  
27 FOLLOWING ALTERNATIVE METHODS OF SELECTING COUNCIL DELEGATES

1 SHALL APPEAR ON THE BALLOT OF A PARTICIPATING LOCAL GOVERNMENTAL  
2 UNIT IN AN ELECTION UNDER THIS SUBSECTION:

3       (A) THE DELEGATE IS ELECTED BY THE ELECTORS OF THE PARTICI-  
4 PATING LOCAL GOVERNMENTAL UNIT IN A NONPARTISAN, AT-LARGE  
5 ELECTION. IF THE ELECTORS OF A PARTICIPATING LOCAL GOVERNMENTAL  
6 UNIT ADOPT ELECTIONS UNDER THIS SUBDIVISION AS A METHOD OF  
7 SELECTING ITS COUNCIL DELEGATES, THE LEGISLATIVE BODY OF THE PAR-  
8 TICIPATING LOCAL GOVERNMENTAL UNIT SHALL BY RESOLUTION PROVIDE  
9 FOR THE ELECTION OF THE FIRST COUNCIL DELEGATE OR DELEGATES AT A  
10 GENERAL OR SPECIAL ELECTION TO BE HELD NOT MORE THAN 180 DAYS  
11 AFTER THE ELECTION UNDER THIS SUBSECTION TO ADOPT A METHOD OF  
12 SELECTING COUNCIL DELEGATES, SHALL DETERMINE THE DATE ON WHICH  
13 THE ELECTION FOR SUCCEEDING COUNCIL DELEGATES FOR THAT PARTICI-  
14 PATING LOCAL UNIT OF GOVERNMENT SHALL BE CONDUCTED, AND SHALL  
15 DETERMINE THE DATE OR DATES ON WHICH THE TERMS OF THE FIRST COUN-  
16 CIL DELEGATE OR DELEGATES AND SUCCEEDING COUNCIL DELEGATES SHALL  
17 COMMENCE. THE TERM OF COUNCIL DELEGATES SHALL BE 4 YEARS EXCEPT  
18 THAT THE FIRST COUNCIL DELEGATE OR DELEGATES OF A PARTICIPATING  
19 LOCAL UNIT OF GOVERNMENT ELECTED UNDER THIS SUBDIVISION MAY HAVE  
20 A SHORTER OR LONGER TERM TO ACHIEVE STAGGERING OF TERMS OF COUN-  
21 CIL DELEGATES AND TO PERMIT THE PARTICIPATING LOCAL UNIT OF GOV-  
22 ERNMENT TO ELECT SUCCEEDING COUNCIL DELEGATES AT A REGULAR ELEC-  
23 TION IN THAT PARTICIPATING LOCAL UNIT OF GOVERNMENT.

24       (B) THE HOLDER OF A SPECIFIED ELECTIVE OFFICE IN THE PARTIC-  
25 IPATING LOCAL GOVERNMENTAL UNIT SHALL SERVE EX OFFICIO AS DELE-  
26 GATE TO THE COUNCIL.

1 (C) THE LEGISLATIVE BODY OF THE PARTICIPATING LOCAL  
2 GOVERNMENTAL UNIT APPOINTS AN INDIVIDUAL TO SERVE AS DELEGATE TO  
3 THE COUNCIL FOR A SPECIFIED TERM OF OFFICE. TO BE APPOINTED AND  
4 SERVE UNDER THIS SUBDIVISION, AN INDIVIDUAL SHALL HOLD AN ELEC-  
5 TIVE OFFICE IN THE PARTICIPATING LOCAL GOVERNMENTAL UNIT.

6 (2) AN ELECTION ON THE METHOD OF SELECTING A COUNCIL DELE-  
7 GATE UNDER THIS SECTION SHALL BE HELD CONCURRENTLY WITH AN ELEC-  
8 TION TO APPROVE THE LEVY OF A TAX UNDER SECTION 25. IF THE LEVY  
9 OF A TAX IS NOT APPROVED IN AN ELECTION UNDER SECTION 25, A CON-  
10 CURRENTLY HELD ELECTION UNDER THIS SUBSECTION IS VOID.

11 (3) ELECTIONS ON THE METHOD OF SELECTING A COUNCIL DELEGATE  
12 UNDER THIS SECTION SHALL BE CONDUCTED, AND THE COSTS OF THE ELEC-  
13 TIONS REIMBURSED, IN THE SAME MANNER AS PROVIDED IN SECTIONS 27,  
14 29, AND 31 FOR AN ELECTION ON A TAX. HOWEVER, THE BOARD OF  
15 COUNTY CANVASSERS OF A COUNTY SHALL NOT CERTIFY THE RESULTS OF  
16 THE ELECTION IN A LOCAL GOVERNMENTAL UNIT TO THE BOARD OF COUNTY  
17 CANVASSERS OF THE LARGEST COUNTY UNLESS THE LOCAL GOVERNMENTAL  
18 UNIT IS LOCATED IN MORE THAN 1 COUNTY. THE BOARD OF COUNTY CAN-  
19 VASSERS THAT MAKES THE FINAL CANVASS OF THE ELECTION IN A LOCAL  
20 GOVERNMENTAL UNIT SHALL CERTIFY THE RESULTS OF THE ELECTION TO  
21 THE COUNCIL.

22 Sec. 33. (1) ~~Except as otherwise provided in~~ SUBJECT TO  
23 subsection (2), a participating local governmental unit may with-  
24 draw from membership in the council ~~if all of the following con-~~  
25 ~~ditions are met~~ UNDER EITHER OF THE FOLLOWING PROCEDURES:

1 (a) Adoption of a resolution by a majority of the members  
2 elected to and serving on the legislative body of the local  
3 governmental unit requesting withdrawal from membership.

4 (B) BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTORS.  
5 AN ELECTION SHALL BE HELD UNDER THIS SUBDIVISION IF AN INITIATIVE  
6 PETITION IS FILED REQUESTING A VOTE OF THE ELECTORS ON THE QUES-  
7 TION OF WITHDRAWAL OF THE PARTICIPATING LOCAL GOVERNMENTAL UNIT  
8 FROM MEMBERSHIP IN THE COUNCIL. THE PETITION SHALL BE SIGNED BY  
9 NOT LESS THAN 5% OF THE REGISTERED ELECTORS RESIDING IN THE LOCAL  
10 GOVERNMENTAL UNIT AND FILED WITH THE CLERK OF THE LOCAL GOVERN-  
11 MENTAL UNIT. IT SHALL BE REBUTTABLY PRESUMED THAT A SIGNATURE ON  
12 A PETITION UNDER THIS SECTION IS STALE AND VOID IF IT WAS MADE  
13 MORE THAN 90 DAYS BEFORE THE PETITION WAS FILED WITH THE CLERK OF  
14 THE LOCAL GOVERNMENTAL UNIT. THE CLERK OF THE LOCAL GOVERNMENTAL  
15 UNIT, UPON VERIFYING THE REQUIRED NUMBER OF SIGNATURES ON THE  
16 PETITION, SHALL SUBMIT THE QUESTION OF WITHDRAWAL TO THE VOTE OF  
17 THE ELECTORS OF THE LOCAL GOVERNMENTAL UNIT AT THE NEXT GENERAL  
18 ELECTION TO BE HELD NOT LESS THAN 70 DAYS AFTER THE DATE ON WHICH  
19 THE PETITION WAS FILED OR AT A SPECIAL ELECTION CALLED FOR THAT  
20 PURPOSE. THE ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE  
21 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992. THE  
22 CLERK OF THE MUNICIPALITY SHALL PREPARE THE QUESTION FOR THE  
23 BALLOT TO BE USED AT THE ELECTION.

24 (2) ~~(b) Payment~~ A PARTICIPATING LOCAL GOVERNMENTAL UNIT  
25 SHALL NOT WITHDRAW FROM THE COUNCIL BEFORE PAYMENT or ~~the~~ pro-  
26 vision for payment is made regarding any obligations of the local  
27 governmental unit to the council or its creditors. ~~(2)~~ If,

1 ~~upon withdrawal of~~ THE LOCAL GOVERNMENTAL UNIT IS a city,  
2 village, or township, ~~the city, village, or township has unpaid~~  
3 ~~obligations to the council,~~ a tax levied by the council  
4 ~~pursuant to section 7(3)~~ before withdrawal of the city, vil-  
5 lage, or township ~~shall~~ MAY continue to be levied in the city,  
6 village, or township, to the extent and in an amount needed to  
7 satisfy the ~~unpaid~~ obligations, until the obligations are paid  
8 or the tax expires, whichever happens first. A city, village, or  
9 township that withdraws from a council shall continue to receive  
10 services from the council ~~until~~ SO LONG AS THE COUNCIL CONTIN-  
11 UES TO LEVY A TAX IN the city, village, or township ~~is no longer~~  
12 ~~required to pay a tax levied by the council~~ PURSUANT TO THIS  
13 SUBSECTION.

14 (3) Withdrawal of a local governmental unit from a council  
15 shall be evidenced by an amendment to the articles executed by  
16 the secretary or, if the council has no secretary, by the chair-  
17 person of the council and filed and published in the same manner  
18 as the original articles.

19 (4) IF THE ARTICLES OF A COUNCIL ARE AMENDED TO AUTHORIZE  
20 THE COUNCIL TO LEVY AN AD VALOREM PROPERTY TAX, AND NOT MORE THAN  
21 90 DAYS AFTER THE ARTICLES ARE AMENDED, AN INITIATIVE PETITION TO  
22 WITHDRAW FROM THE COUNCIL IS FILED UNDER SUBSECTION (1)(B) OR,  
23 NOT MORE THAN 30 DAYS AFTER THE ARTICLES ARE AMENDED, A RESOLU-  
24 TION TO WITHDRAW FROM THE COUNCIL IS ADOPTED BY THE LEGISLATIVE  
25 BODY OF A LOCAL GOVERNMENTAL UNIT UNDER SUBSECTION (1)(A), THEN  
26 THE COUNCIL SHALL NOT LEVY A TAX UNTIL THE QUESTION OF THE  
27 WITHDRAWAL OF THE LOCAL GOVERNMENTAL UNIT IS FINALLY RESOLVED.